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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,887	02/11/2002	Alexander E. Malison	ASI-101	3540

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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/068,887	<b>Applicant(s)</b> MALISON, ALEXANDER E.	
	<b>Examiner</b> Cristina Owen Sherr	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) -64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/10/02, 03/12/03</u> . | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This communication is in response to the application filed February 11, 2002.

Claims 1-64 have been examined in this case.

#### ***Priority***

2. This application claims the benefit of U.S. Provisional Application No. 60/326,218, filed October 2, 2001, which is herein incorporated by reference in its entirety.

#### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on July 10, 2002 and March 12, 2003 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statements.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618).
6. Regarding claim 1 –

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Downs discloses a user interface for receiving an order comprising: (a) an input area adapted to receive handwritten input indicating an item to add to the order; (b) a selection window adapted to display items corresponding to the handwritten input; And (c) an order window adapted to display selected items, as the order (e.g. col 3 ln 40-55).

7. Regarding claim 2-15 –

Downs discloses the user interface of claim 1, wherein the input area is further adapted to receive handwritten input indicating a command associated with the order; wherein the command is one of creating the order, retrieving the order, voiding the order, retrieving a status of the order, sending the order to a preparation area, adjusting quantities associated with the order, adjusting seat numbers associated with the order, printing a check remotely for the order, printing a check locally for the order, settling a check for the order, adding a complimentary item to the order, processing a split check for the order, searching for items, providing an incremental lookup, displaying items in groups, searching for modifiers, logging on an employee, and logging out an employee; wherein the input area is further adapted to receive handwritten numeric input associated with the order; wherein the input area is further adapted to receive a selection of the item, wherein the selection is a handwritten character; wherein the selection window is further adapted to receive a selection of an item from the displayed items, wherein the selection is a touch of the item listed in the displayed items; wherein the input area is adapted to recognize an abbreviation of the item as the handwritten input; further comprising an entry status bar that displays characters that are entered in

the input area, as the characters are being entered; further comprising a button that executes a command associated with the order; wherein the input area is further adapted to receive keyboard input as an alternative to the handwritten input; wherein the input area is further adapted to receive a second handwritten input indicating a modifier associated with a selected item, wherein the selection window is further adapted to display modifiers corresponding to the second handwritten input, and wherein the order window is further adapted to display selected modifiers in the order; wherein the selection window is further adapted to receive a selection of a modifier from the displayed modifiers, wherein the selection is a touch of the modifier listed in the displayed modifiers; wherein the input area is adapted to recognize an abbreviation of the modifier as the second handwritten input; wherein the user interface further comprises a toggle button adapted to configure the input area to receive a handwritten input as one of an item and a modifier; wherein the user interface is adapted to require a user to choose a modifier after the user interface receives a selected item (e.g. col 6 ln 25 – col 8 ln 5).

8. Claims 16-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618).

9. Regarding claim 16 –

Downs discloses an apparatus for recording an order comprising: (a) a computer provisioned with a user interface, the user interface comprising an input area adapted to receive handwritten input indicating an item to add to the order, a selection window adapted to display a list of items corresponding to the handwritten input, including a

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highlighted entry in the list, and an order window adapted to display items selected to be added to the order; and (b) a button in communication with the computer, wherein the button is adapted to send a signal to the computer when the button is pressed, and wherein the signal indicates a selection of the highlighted entry (e.g. col 3 ln 40-55).

10. Regarding claims 17-33 –

Downs discloses the apparatus of claim 16, wherein the handwritten input is an abbreviation for an item, and wherein the highlighted item corresponds to the abbreviation; wherein the button is adapted to send a second signal to the computer when the button is held down, and wherein the second signal causes the computer to accept handwritten input in the input area as a command associated with the order; further comprising a wireless card in communication with the computer, wherein the wireless card enables the computer to wirelessly communicate with a computer network; further comprising a notification device in communication with the computer, wherein the notification device provides a non-visual alert for at least one of an error condition and a prompt for input of a modifier associated with a selected item; wherein the notification device is one of a vibrator and a speaker; further comprising a tether adapted to connect the computer to a user of the apparatus; further comprising a belt pack attached to the tether, wherein the belt pack is adapted to be worn by the user; wherein the belt pack includes a battery in communication with the computer; wherein the belt pack includes a notification device in communication with the computer; wherein the belt pack includes a credit card reader in communication with the computer; wherein the belt pack includes a printer in communication with the computer; wherein the tether

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contains cables connecting the computer to at least one of a battery, a notification device, a credit card reader, and a printer, in the belt pack; further comprising at least one of a credit card reader and a printer in communication with the computer; wherein the input area comprises a command input section, an item input section, and a numeric input section; wherein the command input section is adapted to receive characters of commands, wherein the item input section is adapted to receive characters of items, and wherein the numeric input section is adapted to receive numeric characters; wherein the item input section is further adapted to receive characters identifying groups of items; wherein the command input section is adapted to receive lowercase cursive characters and to return uppercase characters, and wherein the item input section is adapted to receive lowercase cursive characters and to return lowercase characters; wherein the input area is further adapted to receive a second handwritten input indicating a modifier associated with a selected item, wherein the selection window is further adapted to display a second list of modifiers corresponding to the second handwritten input, including a highlighted entry of the second list, and wherein the order window is further adapted to display selected modifiers in the order (e.g. col 6 ln 25 – col 8 ln 5).

11. Claims 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618).

12. Regarding claim 34 –

Downs discloses a system for facilitating point-of-sale (POS) transactions comprising:

(a) one or more mobile POS devices, wherein at least one of the mobile POS devices is

provisioned with a user interface, the user interface comprising an input area adapted to receive handwritten input indicating an item to add to the order, a selection window adapted to display items corresponding to the handwritten input, and an order window adapted to display, as the order, selected items; (b) a POS server in wireless communication with the one or more mobile POS devices; and (c) a central server in communication with the POS server (e.g. col 3 ln 40-55).

13. Regarding claims 35-40 –

Downs discloses the system of claim 34, wherein the at least one mobile POS device is adapted to transmit the order through the POS server and to the central server; wherein the one or more mobile POS devices are adapted to transmit the order for output at a preparation area terminal; further comprising (d) a manager workstation in communication with the central server; (e) one or more fixed POS stations in communication with the central server; and (f) a preparation area terminal in communication with the central server; wherein at least one of the one or more fixed POS stations is provisioned with the user interface; wherein the input area is further adapted to receive a handwritten input indicating a command to send the order for preparation; wherein, in response to the command, a mobile POS device of the at least one of the mobile POS devices transmits the order through the POS server and to the central server, and wherein the central server transmits the order to the preparation area terminal for output to a user; wherein the input area is further adapted to receive a second handwritten input indicating a modifier associated with a selected item, wherein the selection window is further adapted to display modifiers corresponding to the



second handwritten input, and wherein the order window is further adapted to display selected modifiers in the order (e.g. col 6 ln 25 – col 8 ln 5).

14. Claims 41-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618).

15. Regarding claim 41 –

Downs discloses a method for receiving an order of an item through a POS computer comprising the steps of receiving a handwritten input from a user on a user interface of the POS computer, wherein the handwritten input identifies the item; receiving an indication from the user through the POS computer, wherein the indication selects the item; and adding the item to the order (e.g. col 3 ln 40-55).

16. Regarding claim 42-51 –

Downs discloses the method of claim 41, wherein the indication comprises one of a depressed button on the POS computer and a second handwritten input on the user interface of the POS computer; further comprising the step of displaying a list of possible items corresponding to the handwritten input, and wherein the indication comprises touching the item in the list; wherein the step of receiving the handwritten input comprises recognizing an abbreviation for the item; further comprising the steps of receiving a second handwritten input from the user identifying a modifier associated with the item; receiving a second indication from the user, wherein the second indication selects the modifier; and adding the modifier to the order; further comprising the steps of prompting the user for a modifier associated with the item; receiving a selected modifier from the user; and adding the selected modifier to the order; wherein the step

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of prompting comprises providing the user with non visual feedback; further comprising the step of alerting the user to an error condition by providing non-visual feedback; further comprising the steps of: displaying the order on the POS computer; receiving a command to send the order for preparation; and sending the order to an output device in a preparation area; wherein the step of receiving the command to send the order comprises receiving a second handwritten input from the user on the user interface of the POS computer; wherein the POS computer has a button, and wherein the step of receiving the command to send the order comprises receiving a push of the button concurrent with a second handwritten input from the user on the user interface of the POS computer (e.g. col 6 ln 25 – col 8 ln 5).

17. Claims 52-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618).

18. Regarding claim 52 –

Downs discloses a method for receiving an order of a customer through a user interface of a mobile POS computer, the user interface comprising an input area, a selection window, and an order window, the method comprising the steps of receiving handwritten input through the input area; displaying a list of items in the selection window that correspond to the handwritten input; receiving a selection of an item to add to the order, wherein the selection is one of a second handwritten input in the input area and a touch of an entry listed in the selection window; and displaying the selected item in the order window as the order (e.g. col 3 ln 40-55).

19. Regarding claim 53-57 –

Downs discloses the method of claim 52, further comprising the steps of transmitting the order from the mobile POS computer to a server; and transmitting the order from the server to an output device in a preparation area; wherein the mobile POS computer has a button and wherein the method further comprises the step of displaying a highlighted item in the selection window, and wherein the selection is one of the second handwritten input in the input area, the touch of an entry listed in the selection window, and a press of the button, and wherein, if the selection is the press of the button, then the selected item is the highlighted item; wherein the handwritten input is a character and the items in the list have abbreviations beginning with the character; further comprising the steps of displaying a prompt to choose a modifier associated with the selected item; displaying a list of modifiers in the selection window that correspond to the selected item; receiving a selection of a modifier to add to the order, wherein the selection is one of a third handwritten input in the input area and a touch of a modifier entry listed in the selection window; and displaying the selected modifier in the order window as part of the order; wherein the mobile POS computer has a button and wherein the method further comprises the step of displaying a highlighted modifier in the selection window, and wherein the selection of the modifier is one of the third handwritten input in the input area, the touch of an entry listed in the selection window, and a press of the button, and wherein, if the selection is the press of the button, then the selected modifier is the highlighted modifier (e.g. col 6 ln 25 – col 8 ln 5).

20. Claims 58-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618).

21. Regarding claim 58 –

Downs discloses a user interface for receiving an order comprising: (a) an input area adapted to receive handwritten input indicating an item to add to the order; (b) a selection window adapted to display items corresponding to the handwritten input; (c) an order window adapted to display selected items, as the order, wherein the input area comprises a command input section, an item input section, and a numeric input section, wherein the command input section is adapted to receive characters of commands, wherein the item input section is adapted to receive characters of items, and wherein the numeric input section is adapted to receive numeric characters (e.g. col 3 ln 40-55).

22. Regarding claim 59-60 –

Downs discloses the user interface of claim 58, wherein the item input section is capable of receiving characters identifying groups of items; wherein the command input section is adapted to receive lowercase cursive characters and to return uppercase characters, and wherein the item input section is adapted to receive lowercase cursive characters and to return lowercase characters modifier (e.g. col 6 ln 25 – col 8 ln 5).

23. Claims 61-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618).

24. Regarding claim 61 –

Downs discloses a user interface for receiving an order comprising: (a) an input area adapted to receive a handwritten input corresponding to one of an item, a modifier, and a command, wherein the handwritten input is an abbreviation having one or more characters; and (b) a selection window adapted to display selections of the one of an

item, a modifier, and a command, wherein the selections have abbreviations beginning with the one or more characters received through the input area, and wherein the selection window is further adapted to receive a choice of the selections from a user (e.g. col 3 ln 40-55).

25. Regarding claims 62-64 –

Downs discloses the user interface of claim 61, wherein the selection window is further adapted to highlight a selection that has an abbreviation matching the one or more characters received through the input area; wherein the choice comprises a touch of a selection listed in the selection window; wherein the choice comprises a signal received from a button in communication with the user interface, and wherein the choice is the selection that is highlighted in the selection window (e.g. col 6 ln 25 – col 8 ln 5).

26. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-

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305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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